

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SJUNDE AP-FONDEN and THE CLEVELAND BAKERS AND TEAMSTERS PENSION FUND, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

GENERAL ELECTRIC COMPANY, JEFFREY R. IMMELT, JEFFREY S. BORNSTEIN, JAMIE MILLER, KEITH S. SHERIN, JAN R. HAUSER, and RICHARD A. LAXER,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 08/07/2018

17 Civ. 08457 (JMF)

Hon. Jesse M. Furman

STIPULATION AND [PROPOSED] ORDER REGARDING MOTION TO DISMISS SCHEDULE

WHEREAS, on April 10, 2018, Plaintiff Arkansas Teacher Retirement System filed the Second Amended Complaint, on behalf of a putative class of investors, against Defendants General Electric Company, Jeffrey R. Immelt, John L. Flannery, Jeffrey S. Bornstein, Jamie Miller, and Keith S. Sherin;

WHEREAS, on July 23, 2018, Plaintiffs Sjunde AP-Fonden and The Cleveland Bakers and Teamsters Pension Fund filed the Third Amended Complaint, on behalf of a putative class of investors, against Defendants General Electric Company, Jeffrey R. Immelt, Jeffrey S. Bornstein, Jamie Miller, Keith S. Sherin, Jan R. Hauser, and Richard A. Laxer;

WHEREAS, on July 25, 2018, Plaintiffs re-filed the Third Amended Complaint pursuant to the Court's directive to amend the caption;

WHEREAS, pursuant to this Court's May 29, 2018 and July 2, 2018 Scheduling Orders, any motions to dismiss are due within 45 days of the filing of the Third Amended Complaint, and thus such motions are currently due on or before September 10, 2018;

WHEREAS, September 10-11, 2018 is the Jewish holiday Rosh Hashanah and, therefore, the parties propose extending the due date for motions to dismiss by two days to September 12, 2018;

WHEREAS, Defendants Hauser and Laxer were not named in the Second Amended Complaint and were not parties to the suit at the time of the prior Scheduling Orders;

WHEREAS, defense counsel has agreed to accept service of the Third Amended Complaint on behalf of Defendants Hauser and Laxer;

NOW, THEREFORE, the parties wish to ensure that the deadline for filing motions to dismiss is the same for all Defendants and, subject to the Court's approval, stipulate and agree to the following:

1. All Defendants shall move, answer or otherwise respond to the Third Amended Complaint by September 12, 2018;
2. Pursuant to the Court's prior scheduling orders, if Defendants move to dismiss the Third Amended Complaint, Plaintiffs shall file their opposition brief on October 12, 2018; and
3. Any reply briefs shall be filed by October 22, 2018.

IT IS SO STIPULATED AND AGREED TO THIS 2nd DAY OF AUGUST, 2018.

LATHAM & WATKINS LLP

By:


Miles N. Ruthberg
Blake T. Denton
885 Third Avenue
New York, NY 10022
Tel: (212) 906-1200
Fax: (212) 751-4684
miles.ruthberg@lw.com
blake.denton@lw.com

Sean M. Berkowitz (*pro hac vice*)
330 North Abash Avenue
Suite 2800
Chicago, IL 60611
Tel: (312) 777-7016
Fax: (312) 993-9767
sean.berkowitz@lw.com

William Trach (*pro hac vice*)
200 Clarendon Street
Boston, MA 02116
Tel: (617) 880-4500
Fax: (617) 948-6001
william.trach@lw.com

Counsel for Defendants

The Clerk of Court is directed to terminate Docket No. 166.

SO ORDERED.



August 6, 2018

KESSLER TOPAZ MELTZER & CHECK, LLP

By:

Sharan Nirmul

David Kessler

Gregory M. Castaldo

Darren J. Check

Sharan Nirmul

Richard A. Russo, Jr.

Michelle M. Newcomer

Joshua A. Materese

Evan R. Hoey

280 King of Prussia Road

Radnor, PA 19087

Tel: (610) 667-7706

Fax: (610) 667-7056

dkessler@ktmc.com

gcastaldo@ktmc.com

dcheck@ktmc.com

snirmul@ktmc.com

rrusso@ktmc.com

mnewcomer@ktmc.com

jmaterese@ktmc.com

ehoey@ktmc.com

Counsel for Lead Plaintiff Sjunde AP-Fonden and Lead Counsel for the Class

GRANT & EISENHOFFER, P.A.

Jay W. Eisenhofer

Daniel L. Berger

Charles T. Caliendo

Catilin M. Moyna

485 Lexington Avenue

New York, NY 10017

Tel: (646) 722-8500

Fax: (610) 722-8501

jeisenhofer@gelaw.com

dberger@gelaw.com

ccaliendo@gelaw.com

cmoyna@gelaw.com

*Counsel for Additional Plaintiff Cleveland Bakers and Teamsters Pension Fund and Local
Counsel for the Class*